

MINUTES
PLANNING COMMISSION
AUGUST 9, 2011 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Munn (7:02)
Alternate members present: Fitzgerald, Kane
Absent: Sherrard, Zod, Steinfeld
Staff present: Murphy, Davis, Doolittle

Acting Chairman Pritchard called the meeting to order at 7:00 p.m. He sat Fitzgerald for Sherrard and Kane for Steinfeld and appointed Roper as Acting Secretary.

II. APPROVAL OF THE MINUTES OF meeting of July 12, 2011.

MOTION: To approve the minutes of July 12, 2011 as amended.

Motion made by Fitzgerald, seconded by Pritchard. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS

Staff noted the application received for Four Paws Veterinary Clinic and requested that the item be added to tonight's agenda.

MOTION: To add Four Paws Veterinary Clinic as item #1 under Site Plans on tonight's agenda

Motion made by Pritchard, seconded by Munn. Motion passed unanimously.

Jim Furlong, 57 Fishtown Lane, addressed the Commission regarding the status of the Spicer Tree Farm property purchase. Mr. Murphy replied that he will cover this under Report of Staff.

IV. SUBDIVISIONS

1. Holdridge Resubdivision, Irving Street – Acceptance of Public Improvements & Bond Reduction

Staff noted that this resubdivision was approved in 2005. The Public Works department has recommended acceptance of the public improvements.

MOTION: To release a \$20,790 bond and to accept the public improvements for the Holdridge Resubdivision, Irving Street

Motion made by Fitzgerald, seconded by Roper. Motion passed unanimously.

2. Petri Subdivision, Pequot Avenue – Bond Reduction

Staff noted the memo from Greg Hanover in tonight's agenda packet. The memo states that the improvements related to the bond from the Lawtons have been completed. This portion of the bond will be released to the Lawtons.

MOTION: To release the \$2,300 bond for the Petri Subdivision, Pequot Avenue, to the Lawton's

Motion made by Roper, seconded by Kane. Motion passed unanimously.

V. SITE PLANS

1. Four Paws Veterinary Clinic, 151 Cow Hill Road

Staff discussed the original site plan which showed the property line incorrectly. The Commission discussed the details of the request, the adjacent uses and zoning and other relevant concerns.

MOTION: To approve a site plan modification to "Four Paws" veterinary on Cow Hill Road in order to permit a minor encroachment into the required southerly landscape buffer, subject to the following conditions:

1. The extent of temporary and permanent encroachment shall be strictly limited as depicted on the approved plan.
2. Prior to any related work, the approved limits of encroachment shall be field located by survey and identified in the field by silt fence, flags or some other appropriate means.
3. Following completion of the work, disturbed areas shall be graded, loamed, seeded and planted with appropriate native shrubs.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

VI. OLD BUSINESS

1. Zoning Board of Appeals referral for July 13, 2011 Public Hearing – 743 River Road, Ljubicic Residence (ZBA11-03)

Staff explained the uniqueness of the property. The Commission and Staff discussed property lines, septic and ledge. A lengthy discussion regarding location of any future house took place.

MOTION: With regard to ZBA and coastal site plan application #11-03, Ljubicic Residence, 743 River Road, the Planning Commission offers the following:

The Planning Commission finds that creating a new lot in order to permit siting of the home as proposed, including related clearing, grading, utility installation, driveway access, stormwater discharge and other anticipated impacts, is directly contrary to the purpose of the current zoning designation.

1. The proposal as currently designed is inconsistent with planning policies and objectives forming the basis of the present R-80 zoning.
2. The proposal as currently designed is also inconsistent with applicable use and resource policies contained in the adopted Municipal Coastal Program (MCP).
3. The required coastal site plan is incomplete and lacking important details necessary for the full review of the proposal.
4. The owner presently has reasonable use of the property in conformance with current adopted policy plans and zoning designations.
5. The proposed lot line appears to have no rational basis, and as configured, would “force” the new home to be located on the portion of the new lot least suitable for development, given applicable zoning, coastal site plan and MCP policies, regulations and objectives.
6. The scope and type of development that might potentially be permitted on the small easterly (river side) parcel would most likely be extremely limited and the potential for such limited development should not be used as justification for the scope and type of development that would be allowed on a new lot that would be created by the variance.
7. Absent specific conditions of a variance approval linking such approval to a specific complete, acceptable and compliant coastal site plan, development of the vacant lot will not have to comply with the plan provided with the variance.
8. Any conservation restrictions or other limitations imposed as conditions of an approval would have to be made effective (executed and recorded with the variance recording) and not be deferred to the time of future conveyance of one or both of the lots.

Therefore, the Planning Commission respectfully recommends that the application as currently proposed (based on revised plans received 8/8/11) be denied.

Motion made by Pritchard, seconded by Fitzgerald.

Upon discussion it was decided to change “R-80” to “RU-80, adopted in 1982.” in the first paragraph. The seconder agreed with the modification to the motion.

Motion passed unanimously.

2. Land Use Regulation Update Project - none

VII. NEW BUSINESS

1. Report of Commission

Commissioner Roper has a meeting of the Mystic Community Task Group on August 15, 2011.

2. Referral from the Town of Stonington – Zoning Text Amendment, Small Wind Energy Systems & Renewable Energy Systems

Staff briefly explained the referral and left it up to the Commission as to how they would like to proceed. The Commission relayed their concerns to Staff who will forward the following comments to the Town of Stonington.

1. The definition of small wind energy systems should incorporate a reference to shadow flicker requirements, in addition to height, sound and vibration requirements.
2. For clarity, section 7.22.1.5.1 should make it clear that the “fall zone” includes the rotor blades, if including the blades would result in a height greater than “1.1 times the overall height of the tower.” (i.e. see proposed definition of “fall zone”).
3. In section 7.22.1.5.6 (shadow flicker), a more operative and rigorous standard might be applied (as opposed to “significant adverse impact.”). Perhaps the use of “any” adverse impact would be more appropriate.

3. New Applications

- a. Four Paws Veterinary Clinic, 151 Cow Hill Road (above)
- b. Steward Subdivision, 361 High Street

VIII. REPORT OF CHAIRMAN

Acting Chairman Pritchard attended the Committee of Chairs meeting where they discussed blight, flood management and the Noank School.

IX. REPORT OF STAFF

Mystic Streetscape cleanup in preparation for the Mystic Arts Festival has begun.

CIP submittal will take place sometime in August.

River Road construction will be beginning soon.

Regarding Mr. Furlong's inquiry into the Spicer Tree Farm, Staff stated that they are currently looking for grants to cover what is still needed to purchase the property. They have been working with the Spicers & Pulaskis, and will be asking for an extension from the State.

The 85th Day Restaurant, 13 Water Street, is coming along well. Staff thinks that this property will bring a new focus to Water Street.

La-Z-Boy will be holding their grand opening soon. Kohls will be holding a grand re-opening after a major remodel as well. Panera has begun work remodeling in the old Hollywood Video location.

X. ADJOURNMENT

Motion to adjourn at 8:27 p.m. made by Roper, seconded by Kane, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II